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Attorneys for Plaintiff
NICHOLAS BART ELLIS

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

NICHOLAS BART ELLIS,

Plaintiff,

vs.

A. NAVARRO, et al.,

Defendants.

Case No. C 07-05126 SBA (PR)

**STIPULATION AND WRIT OF
HABEAS CORPUS AD
TESTIFICANDUM AND ORDER TO
TRANSPORT INMATE NICHOLAS
BART ELLIS (K-16024)**

Dept.: Courtroom 1, 4th Floor
Oakland, CA 94612

Judge: Hon. Sandra Brown Armstrong

Complaint Filed: October 5, 2007
Trial Date: September 10, 2012

STIPULATION

Whereas the Plaintiff in this action, Nicholas Bart Ellis, CDCR No. K-16024, is confined at Pelican Bay State Prison in the custody of the Warden;

Whereas, in its July 26, 2012 Order, the Court set the pretrial conference in this action for Thursday, August 23, 2012, at 10:30 a.m., at Courtroom 1, 1301 Clay Street, 4th Floor, Oakland, California 94612 before Hon. Saundra B. Armstrong;

Whereas, in its July 26, 2012 Order, the Court ordered that “[t]he parties shall file forthwith a proposed writ of habeas corpus ad testificandum to secure Plaintiff’s presence in Court” for the pretrial conference;

Whereas, in order to secure Plaintiff’s attendance at the pretrial conference, it is necessary that a Writ of Habeas Corpus Ad Testificandum issue commanding the custodian of Nicholas Bart Ellis to produce said inmate to the pretrial conference;

Whereas, pursuant to General Order No. 45, § X.B, Matthew Roman, counsel for Defendants, has given Wesley M. Spowhn, counsel for Plaintiff, permission to electronically sign this stipulation and proposed writ and order on his behalf;

Therefore, pursuant to Local Rule 7-12, Plaintiff and Defendants, through counsel, hereby submit this stipulated request for a Writ of Habeas Corpus Ad Testificandum and Order to Transport Inmate Nicholas Bart Ellis.

Dated: July 25, 2012

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By: /s/ Wesley M. Spowhn
Wesley M. Spowhn

Attorneys for Plaintiff NICHOLAS BART ELLIS

1 Dated: July 25, 2012

2 ANDRADA & ASSOCIATES
3 J. RANDALL ANDRADA
4 MATTHEW ROMAN
180 Grand Avenue, Suite 225
Oakland, CA 94612

5 By: /s/ Matthew Roman
Matthew Roman

6
7 Attorneys for Defendants
8 SERGEANT A. NAVARRO;
CORRECTIONAL OFFICER F. JUAREZ; AND
CORRECTIONAL OFFICER B. GARDNER

ORDER

ACCORDINGLY, IT IS ORDERED that:

A Writ of Habeas Corpus Ad Testificandum issue, under the seal of this court, commanding the Warden of Pelican Bay State Prison to produce Nicholas Bart Ellis, CDCR No. K-16024 to Courtroom 1, 1301 Clay Street, 4th Floor, Oakland, California 94612, on August 23, 2012, at 10:30 a.m., and from day to day until completion of the pretrial conference or as ordered by the Court.

WRIT OF HABEAS CORPUS AD TESTIFICANDUM

TO THE WARDEN OF PELICAN BAY STATE PRISON:

YOU ARE ORDERED to produce Nicholas Bart Ellis, CDCR No. K-16024, to Courtroom 1, 1301 Clay Street, 4th Floor, Oakland, California 94612, on August 23, 2012, at 10:30 a.m., and from day to day until completion of the pretrial conference or as ordered by the Court

IT IS SO ORDERED.

DATED: 8/1/12.

A handwritten signature in blue ink, reading "Saundra B. Armstrong", is written over a horizontal line.

HON. SAUNDRA B. ARMSTRONG
JUDGE OF THE UNITED STATES
DISTRICT COURT, NORTHERN
DISTRICT OF CALIFORNIA